

AN AFFIDAVIT

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1. I am Brent E. McMahan, Vice President – Regulatory & Governmental Affairs, Network Telephone Corporation (hereinafter “Network Telephone” or “NTC”). Headquartered in Pensacola, Network Telephone is a major regional Competitive Local Exchange Carrier (CLEC) serving over 55,000 access lines for small businesses throughout the nine states of the southeastern United States. BellSouth (or “BST”) is the only incumbent local exchange company (ILEC) with which we currently do business.
2. On October 24, 2001, BellSouth Account Team, composed of a director, Mike Wilburn, and a manager, Scott Griffin, along with four or five other support team personnel from BellSouth, conducted a conference call with eight to ten NTC managers. The purpose of this call was to discuss a new Action Plan designed to improve performance of the two “partners” in this wholesale-retail partnership. The Account Team used this conference call to identify NTC weaknesses in its daily interface relationship with BST.
3. BST furnished a short write-up of the major problem areas it contends make up the bulk of Network Telephone’s operating problem areas in its daily interfacing with BellSouth (see attached). I noticed that the spreadsheet furnished by BST did not include the flow-thru errors for BellSouth. Instead, the flow-thru chart BellSouth furnished only included NTC’s errors as the source of flow-through problems for

NTC's orders, despite the fact that in PMAP this report has both BellSouth and CLEC error totals.

4. After hearing BST's initial remarks, I asked the BellSouth Team about its errors in flow thru, and whether or not they would be willing to commit (as they were asking us to do) to improvement in reducing flow-thru errors for themselves. Joyce Martin, the BST OSS subject matter expert for the Account Team, replied that they would not, that these were what the SEEM payments, e.g., like those mandated by the GPSC, were designed to remedy.
5. I sought clarification, asking if she meant that BellSouth would not commit in this 'partnership' to endeavor to improving its own errors, which are two or three times in number compared to the CLEC-caused errors. She and Scott both told us they could not commit BST to any improvement in its flow-through errors. They said we should be content to receive payments for those errors. I further told her Network Telephone did not consider the several hundreds or even thousands of dollars we received as payments to be compensatory. We wanted improvement in BellSouth's error rate so we could improve our customer relationships, and win a reputation for excellent service with our customers.
6. Network Telephone did not sign the Action Plan document furnished by BellSouth for this meeting because of this attitude taken by BellSouth regarding its own flow-thru errors.

/s/ Brent E. McMahan

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